Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 920 - 04377 - 1476 - 145		Date: 04/25/20	Time: 1532
Location: 60 Freeway/ East of Hacienda Blvd off-ramp		City or Station: Hacienda Heights	
Bureau/Station/Facility: East Patrol Division/Industry Sheriff Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Team Takedown, Personal Weapons, Control holds, Resistive Handcuffing			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call ☒ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Chris Mouat	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Haringsma	First Name: Jason	Middle I.: P.	Rank: DSG.	
Sex: ◉ M ○ F	Race: W	Height: 6'03"	Weight: 205	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Industry Station		Work Assignment (Unit #, Module, etc.): 144F2			
Individual Force Used: Team Takedown		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ◉ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

E2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: DSG.	
Sex: ◉ M ○ F	Race: H	Height: 5'10"	Weight: 200	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Industry Station		Work Assignment (Unit #, Module, etc.): 144F2			
Individual Force Used: Control Holds		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ◉ 1 ○ 2 ○ 3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

E3

Employee #: [redacted]	Last Name: Banuelos	First Name: Roberto	Middle I.: NMN	Rank: DSG.	
Sex: ◉ M ○ F	Race: H	Height: 5'10"	Weight: 190	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Industry Station		Work Assignment (Unit #, Module, etc.): 143K7			
Individual Force Used: Team Takedown/Personal Weapons- Knee/Control Holds		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○ 1 ○ 2 ◉ 3	
☒ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

On Duty Supervisor

☒ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Foster	Michael	D.	SGT.	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Reedy	Stacie	R.	SGT.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Mouat	Chris	J.	LT.

(signature) 3/17/21

Watch Commander / Supervising Lieutenant's **Signature**: Date

Copy Provided to Employee by: Emp #: [redacted]

William Jaeger

Unit Commander **(Print Name)**

(signature)

Unit Commander's **Signature**: Emp #:

3/20/21

Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

920 - 04377 - 1476 - 145

Involved Employee

E 4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Chavez	Issac	H.	DSG.

Sex:	Race:	Height:	Weight:	Age:	Shift:	
(•) M ( ) F	H	5'10"	210	[redacted]	( ) EM ( ) Day (•) PM	(•) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Industry Station	143T1

Individual Force Used:		Individual Category
Personal Weapons- Hands/Control Holds	(Directed (Rescue (Medical Assist	( ) 1 (•) 2 ( ) 3

[X] Injured [ ] Treated [ ] Admitted Facility: ______ Coroner Case #

E /

Employee #	Last Name	First Name	Middle I.	Rank

Sex:	Race:	Height:	Weight:	Age:	Shift:	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):

Individual Force Used:		Individual Category
	(Directed (Rescue (Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: ______ Coroner Case #

E /

Employee #	Last Name	First Name	Middle I.	Rank

Sex:	Race:	Height:	Weight:	Age:	Shift:	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):

Individual Force Used:		Individual Category
	(Directed (Rescue (Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: ______ Coroner Case #

E /

Employee #	Last Name	First Name	Middle I.	Rank

Sex:	Race:	Height:	Weight:	Age:	Shift:	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):

Individual Force Used:		Individual Category
	(Directed (Rescue (Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: ______ Coroner Case #

E /

Employee #	Last Name	First Name	Middle I.	Rank

Sex:	Race:	Height:	Weight:	Age:	Shift:	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):

Individual Force Used:		Individual Category
	(Directed (Rescue (Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: ______ Coroner Case #

Supervisor's Report on Use of Force
SUSPECT INFORMATION

920 - 04377 - 1476 - 145

Suspect Information

S 1

Last Name: Zavalza | First Name: Frank | Middle Name: NMN | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 30 | Height: 5'08" | Weight: 190 | D.O.B: 01/17/90 | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5920848 | Primary Charge Code: 69 P.C. | Secondary Charge Code: RC 459 P.C. | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: Los Angeles County Fire | Unit: 43 | Phone #: 626-968-1720

Hospital Admission? ☐ | Rec'd Treatment At: Queen of the Valley | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Norman D. Owashi, M.D. | Address: 1115 S. Sunset Avenue, West Covina | Phone #: 626-962-4011

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Date: 04/25/20 | Time: 2000 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S /

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S /

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

920 - 04377 - 1476 - 145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Zavalza	S#1	Haringsma	E#1	UC	NN	NN
Haringsma	E#1	Zavalza	S#1	CT	NN	AR
Zavalza	S#1	Banuelos	E#3	UC	NN	NN
Banuelos	E#3	Zavalza	S#1	CT	NN	AR
Zavalza	S#1	Haringsma	E#1	RS	NN	NN
Haringsma	E#1	Zavalza	S#1	TT	FR	SH
Zavalza	S#1	Banuelos	E#3	RS	NN	NN
Banuelos	E#3	Zavalza	S#1	TT	FR	SH
Zavalza	S#1	[redacted]	E#2	RS	NN	NN
[redacted]	E#2	Zavalza	S#1	CT	NN	AK
Zavalza	S#1	Chavez	E#4	RS	NN	NN
Chavez	E#4	Zavalza	S#1	PH	BR	FA
Zavalza	S#1	Chavez	E#4	RS	NN	NN
Chavez	E#4	Zavalza	S#1	RH	NN	WR
Zavalza	S#1	Chavez	E#4	RS	NN	NN
Banuelos	E#3	Zavalza	S#1	PO	CP	BK

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **Category 3 Use of Force, Chipped Shoulder Bone**

IAB FILE NUMBER: **FO 2508677**

URN#: **920-04377-1476-145**

DIVISION / UNIT: **East Patrol Division / Industry Station**

DATE / TIME: **April 25, 2020 / 1532 hours**

LOCATION: **60 Freeway, Hacienda Heights**

SYNOPSIS:

On April 25, 2020, an Internal Affairs Bureau (IAB) Force/Shooting Response Team comprised of Lieutenant Chris Mouat, Sergeant Stacie Reedy, and Sergeant Dustin Carr responded to Industry Station regarding a Category 3 use of force; wherein the suspect sustained a chip fracture on his right shoulder. IAB investigators collected the report written by Deputy Austin Jordan, #[redacted] under URN #920-04377-1476-145, and supplemental reports written by Deputy Haringsma, Deputy [redacted] Deputy Banuelos, and Deputy Chavez **[Exhibit A]**.

SUMMARY:

On April 25, 2020, Deputy Jordan was working Unit 147D as he patrolled through the parking lot shared by "C&W Construction" and "Re/Max Realty" (1221 S. Hacienda Boulevard, Hacienda Heights). He saw a male Hispanic adult (Suspect Frank Zavalza) standing in the corner of the buildings between "C&W Construction" and "El Pollo Loco" (1225 S. Hacienda Boulevard, Hacienda Heights). Deputy Jordan described the suspect to be wearing a black shirt, grey jeans, black shoes, and having tattoos on each of his arms.

Deputy Jordan approached the suspect from within his patrol vehicle, and asked the suspect what he was doing. The suspect turned toward Deputy Jordan and yelled, "No, no, no, fuck you!" The suspect began to walk south through the parking lot and away from Deputy Jordan. As the suspect continued walking away, Deputy Jordan saw what appeared to be the suspect reaching toward the right side of his front waistband. The

suspect was trying to maintain control of an object within his waistband. Deputy Jordan believed, due to the suspect's actions, the suspect may have had a weapon. The suspect walked behind a white vehicle parked in front of the "El Pollo Loco" and crouched down behind the vehicle to conceal himself from Deputy Jordan. Deputy Jordan placed his patrol vehicle in a southward position, parallel with the buildings, as he yelled for the suspect to come back to his patrol vehicle. It was at this time Deputy Jordan heard an audible alarm coming from one of the buildings the suspect was standing near. The suspect stood up from behind the white vehicle he was crouching behind, yelled "Fuck you!" and began running eastbound toward Hacienda Boulevard.

IAB NOTE: A large majority of the businesses in this immediate area were closed due to Covid-19. Due to the suspect appearing to be in possession of a weapon, immediately attempting to flee from a closed business upon Deputy Jordan's initial contact, paired with Deputy Jordan having heard an audible alarm, Deputy Jordan expressed that he believed the suspect burglarized or was attempting to burglarize one of the local businesses.

The parking lot was divided by a small curb planter that ran east and west between the business properties. Deputy Jordan lost visual contact with the suspect as he repositioned his patrol vehicle. Before moving his vehicle, Deputy Jordan saw the suspect run east through traffic across Hacienda Boulevard, and up the westbound off-ramp to the 60 Freeway into oncoming traffic.

Deputy Jordan immediately used his Department-issued radio to broadcast emergent radio traffic, requesting additional patrol units to respond to his location and notifying them the suspect was possibly in possession of a weapon.

IAB NOTE: When Deputy Jordan broadcast his emergent radio traffic, he activated the "Duplex Patch." The Duplex Patch is a Sheriff's Communication Center controlled two-way frequency used in emergent tactical situations. It allows personnel to communicate directly with other involved units.

Due to vehicle traffic exiting the freeway, Deputy Jordan drove his patrol vehicle onto the eastbound 60 Freeway in an attempt to regain a visual of the suspect. During this time, Industry Station deputy personnel responded and began to check the last seen direction of the suspect.

Deputies Haringsma and [redacted] who worked Unit 144F2, responded to the Hacienda Boulevard westbound 60 Freeway on-ramp within seconds of Deputy Jordan's broadcast.

IAB NOTE: It should be noted, the exit to the westbound Hacienda

Boulevard 60 Freeway off-ramp is adjacent to the westbound Hacienda Boulevard 60 Freeway on-ramp and is separated by a decorative cement curbing and shrub planter.

As Deputies Haringsma and [redacted] entered onto the westbound on-ramp to canvas the area, they saw the suspect running eastbound on the shoulder of the freeway. The suspect continued to run while holding the right side of his waistband. As they monitored the suspect, they lost sight of him, due to the natural curve in the sound wall along the shoulder of the freeway.

Deputy Haringsma parked their patrol vehicle, with their overhead lights activated, in the middle of the U-shaped on-ramp and exited their vehicle. Deputies Haringsma and [redacted] continued on foot toward the area in which they had last seen the suspect. As they approached the freeway at the top of the off-ramp, they looked east down the shoulder, but they were unable to locate the suspect. During this time, Aero made it known they had arrived on-scene by voicing they were above the location and attempting to locate the suspect.

Deputies Haringsma and [redacted] continued to walk east along the freeway shoulder as they canvassed the area. In doing so, they came across a storm drain grate that appeared to be split in half and partially removed.

IAB NOTE: **The storm drain grate is often made of cast iron or reinforced concrete and can weigh between 200-300 pounds, depending on its size.**

As Deputy Haringsma approached the storm drain grate and looked inside, he saw the suspect attempting to conceal himself by hiding underneath the piece of the missing grate. Deputies Haringsma and [redacted] immediately detained the suspect at gunpoint. Deputy [redacted] updated the Sheriff's Communication Center (SCC) they had located the suspect and were detaining him at gunpoint. They ordered the suspect not to move.

IAB NOTE: **SCC serves as the main communications relay link in the Sheriff's Department communication system. It's primary functions include providing service and support to field units, and relaying voice and digital messages between Sheriff's stations and their field units.**

At this time, Deputies Banuelos and Chavez, while in separate patrol units, approached from the east of their (Deputy Haringsma and Deputy [redacted]) location.

Deputies Haringsma and [redacted] continued to give the suspect orders not to move and to show his hands. With four deputies now on-scene, they ordered the suspect to come out of the storm drain and to keep his hands in view.

Once the suspect exited the storm drain, he immediately stood up with his back toward the freeway sound wall. He took a step back with his right foot, causing him to blade his body toward the deputies. Deputy personnel continued to give the suspect commands to show his hands, to which he refused. The deputies quickly devised a tactical plan to initiate contact with the suspect. As the suspect bladed his body, he brought his hands up in a fighting stance, with his left hand held underneath his chin in a clenched fist, while moving his right hand back and toward his waistband. Because of the suspect's body position, the deputies could not see what the suspect was reaching for by his waistband.

Once the suspect appeared to be reaching for his waistband, Deputies Haringsma and Banuelos advanced toward the suspect and conducted a team takedown. Deputy Haringsma, using both of his hands, secured the left wrist of the suspect, as Deputy Banuelos secured the suspect's right arm. As they conducted the takedown, the suspect appeared to favor his right side by attempting to tuck his right shoulder in toward his body before hitting his right shoulder on the ground. It was at this time Deputy Banuelos felt the bodyweight of the suspect leaning against him, causing Deputy Banuelos to become off-balance and stumble.

As Deputy Banuelos fell to the ground with the suspect, Deputy Banuelos maintained control of the suspect's right arm. The suspect landed on the right side of his body with his hand underneath himself. The suspect's head was facing east, with his legs facing west. The suspect immediately began to violently flail his body, attempting to break free from the deputies' grasp. As the suspect thrashed his body, he pushed his torso up and off the ground as he looked to his left and right while his face was against the gravel pavement. As deputy personnel continued to give the suspect verbal commands to put his hands behind his back, the suspect refused to comply. The suspect bent his knees up and kicked in an outward motion toward deputy personnel.

Deputy Chavez delivered approximately two to four punches to the right side of the suspect's face and upper torso area in an attempt to regain control of the suspect's right hand. Deputy [redacted] attempted to control the suspect's kicking motion by using a firm grip, as he placed his hands around the suspect's ankles. Deputy Banuelos simultaneously delivered two knee strikes to the suspect's right torso area. Deputy Chavez and Deputy Banuelos' use of personal weapons appeared to have their desired effect as Deputy Banuelos obtained the suspect's right wrist. Deputy Banuelos handcuffed the suspect without further incident.

Deputy Jordan responded to the deputies' location and positively identified the suspect as the person he observed standing in front of the businesses, and who fled from him. The suspect was medically treated at the scene by paramedics from the Los Angeles County Fire Department – Engine 118, under the command of Captain Burciaga. The suspect was taken to Queen of the Valley Hospital, where he was to receive medical clearance for booking.

According to the suspect's medical records, and noted by treating physician Norman D. Owashi M.D. at 1634 hours, on April 25, 2020, an X-Ray showed the suspect had a chip fracture to his right shoulder. After Sergeant Michael Foster, #[redacted] discussed the results with Dr. Owashi, he noted: "There is concern for acute right shoulder fracture, recommend CT (Computed Tomography) of the right shoulder."

> **IAB NOTE: According to the office of Dr. Owashi, as of February 24, 2021, Suspect Zavalza had not returned for the recommended CT follow-up.**

On April 25, 2020, at approximately 1910 hours, the treating physician informed Industry Station deputy personnel the suspect was medically cleared for booking. The suspect was booked at 2000 hours, on April 25, 2020, for 69 P.C. - Resisting an Executive Officer, and 11377 (a) H.S., Possession of a Controlled Substance – Methamphetamine.

INVOLVED EMPLOYEE(S) AND WORK HISTORY:

Jason P. Haringsma, Deputy Sheriff, #[redacted]
East Patrol Division – Industry Station

Work History

Date of Employment:	June 11, 2012
Date Assigned to Industry Station:	November 5, 2017
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incident(s):	

Equipment Worn On Person

Duty Weapon
Back-up Weapon (.38 Smith & Wesson Snub Nose)
Additional Magazines (2)
Oleoresin Capsicum (OC) Spray
Collapsible Baton
Handcuffs
Portable Radio

[redacted] Deputy Sheriff, #[redacted]
East Patrol Division – Industry Station

Work History

Date of Employment:	December 5, 2007
Date Assigned to Industry Station:	July 31, 2016
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incident(s):	

Equipment Worn On Person

Duty Weapon
Back-up Weapon (.38 Smith & Wesson Special)
Magazines
Utility pouch
Flashlight
Handcuffs
Portable Radio

Roberto Banuelos, Deputy Sheriff, #[redacted]
East Patrol Division – Industry Station

Work History

Date of Employment:	April 2, 2015
Date Completed Patrol Training at [redacted]	[redacted]
Date Assigned to Industry Station:	December 22, 2019
Prior Founded Force Incident(s):	[redacted]

Equipment Worn On Person
Duty Weapon
Oleoresin Capsicum (OC) Spray
Magazines
Collapsible Baton
Flashlight
Handcuffs
Portable Radio

Isaac H. Chavez, Deputy Sheriff, #[redacted]
East Patrol Division – Industry Station

Work History

Date of Employment:	August 13, 2015
Date Assigned to Industry Station:	January 27, 2019
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incident(s):	

Equipment Worn On Person
Duty Weapon
Back-up Weapon (Revolver)
Magazines
Expandable Baton
Tourniquet
Oleoresin Capsicum (OC) Spray
Flashlight
Handcuffs
Portable Radio

SUSPECT INFORMATION:

Frank Zavalza
Male, Hispanic, DOB: January 17, 1990, 5'08", 190 pounds
[redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted]

The suspect's Consolidated Criminal History Reporting System (CCHRS) **[Miscellaneous Documents]** showed Suspect Zavalza had [redacted] Suspect Zavalza had [redacted]

WITNESSES:

None.

INJURIES:

Suspect Frank Zavalza

Suspect Zavalza sustained a facial abrasion, facial contusions, a contusion to his right rib, and a chip fracture on his right shoulder. His medical records and booking clearance were submitted **[EXHIBIT B]**. On April 25, 2020, Industry Station Sergeant Foster spoke to Norman Owashi, M.D., the medical provider who treated the suspect's injuries. Dr. Owashi stated he was unable to determine if the injury to Suspect Zavalza's shoulder was new or preexisting.

Involved Employees

Deputy Robert Banuelos

Deputy Banuelos sustained an abrasion to his right knee.

Deputy Isaac Chavez

Deputy Chavez sustained an abrasion to the top of his right hand.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

Approximately nine hours elapsed between the time of the incident and the time of the assigned IAB investigator's observations. The area where the force occurred was on the shoulder of the 60 freeway, which was comprised of asphalt and cement. The freeway was predominately flat near the sound wall. The incident occurred during the afternoon at 1532 hours.

SURVEILLANCE VIDEO AND PHOTOGRAPHS

The surveillance video from "El Pollo Loco" was retrieved and recorded by Deputy Noemi Arinaga, #[redacted] The video did not capture the force incident; however, it did capture the suspect's actions leading up to the use of force. The video covered the time the suspect entered into the frame of the surveillance camera of "El Pollo Loco," until the time the suspect walked out from behind a vehicle at the direction of Deputy Jordan. The times reflected below are the timestamps on the video. The video was copied onto a DVD-R **[EXHIBIT C]** and labeled "El Pollo Loco." The following is a summary of events captured on the video.

"El Pollo Loco"

00:01 The suspect is seen as he enters the surveillance camera field of view and stands near the hood of a white van parked near the entrance to the El Pollo Loco.

00:02 The suspect retrieves an unknown item from his front right pants pocket and while remaining behind the white van, he conceals the unknown object near his waistband and inside his pants. The suspect remained crouched down behind the van, while looking through the windows of the vehicle for deputy personnel.

00:07 The suspect continues to crouch down using the vehicle to conceal himself. The suspect continues to look through the front windshield and over the hood of the vehicle for possible deputy personnel.

00:10 The suspect walks around the front of the white van, toward the passenger side, as the push bumper of a patrol vehicle is seen approaching the rear of the van.

> **IAB NOTE: A push bumper or nudge bar is fitted to the chassis of the car and located to augment the front bumper, to allow the car to be used as a battering ram for simple structures or fences, or to push disabled vehicles off the road.**

00:15 The suspect pats his pockets, stands up, and walks between the van and a neighboring vehicle toward Deputy Jordan's patrol vehicle, with his hands raised as the video ends.

Due to the location of where the force occurred, IAB investigators did not take photographs of the scene. However, Sergeant Foster was present shortly after the incident occurred, while a traffic-break remained in effect on the 60 Freeway, and took photographs of the scene. These photographs were uploaded onto a DVD-R **[EXHIBIT D]**.

RADIO TRAFFIC

Deputy personnel used Dispatch 8 as their radio frequency during the entirety of the incident. The radio traffic was titled "Radio Traffic Dispatch 8", and was copied onto one DVD-R **[EXHIBIT E]**. The following is a summary of significant radio traffic in which verbatim terms or phrases are in quotes. The time used to signify the radio traffic is the elapsed interval on the recording, not the actual time the radio broadcasts occurred.

DISP 8, 4/25/2020 at 1532 hours

00:13 Deputy Jordan requested the patch.

00:17 SCC confirmed the patch for Deputy Jordan's usage.

00:21 Deputy Jordan said, "Industry 147D, I just had a 925 run from me, I also have an alarm going off at the El Pollo Loco on Hacienda. It's going to be a male Hispanic, black t-shirt, grey jeans. He just ran eastbound up the off-ramp of the freeway right now. My location, I'm going to be on (radio traffic covered by other radio traffic)."

00:42 SCC, "147D only, what's your 10-20?"

00:46 Deputy Jordan said, "Hacienda north of the 60 Freeway."

00:49 SCC said, "Copy on Hacienda north of the 60 Freeway. Once again, it's a 925 running, I copied multiple units are enroute, Sam unit (Sergeant)?

00:59 Sergeant Foster said, "146S not logged-on yet."

01:02 SCC replies, "146S not logged-on yet, from the station, code."

01:06 Aero said, "What's your last 20, I've got your containment."

01:08 Deputy [redacted] responded by giving his location of "We're going to be headed east on the north side of the 60."

01:12 SCC replies, "Copy. Headed east on the north side of the 60. Go ahead with the containment."

01:18 Sergeant Foster said, "Fellas let's make sure we have a crime."

01:23 Aero replies, "Yeah, sounds like a 459 suspect right now."

01:29 Deputy Jordan replies, "Yeah copy, it's going to be a 459 suspect. He's holding his waistband too, possibly a 417 suspect."

1:35 Aero replies, "What's your location?"

1:41 SCC replies, "They're going to be on Hacienda north of the 60."

1:47 Deputy [redacted] said, "Hey I've got people flagging us down saying he's actually running up the on-ramp, to the freeway, on the 60."

2:00 SCC said, "Have you been advised if it's westbound or eastbound 60?"

2:05 Deputy [redacted] said, "Hey it looks like he's gonna be running…yeah, we see him on the freeway he's running ah…black shirt, blue jeans…Okay guys, he's going to be on the 60 Freeway, he's running eastbound in the westbound lane. He's on the shoulder, so I'm going to need someone to come on…off of…what is it Azusa and start shooting westbound."

2:31 Deputy Valencia said, "Hey 141A3 can start blocking traffic from Azusa."

2:38 Unknown deputy said, "Hey 147 we're going to be on the eastbound side trying to get an obs (Observation) on him now sir."

2:44 SCC said, "Unit with emergent? I copy 7D is going to go on the eastbound side, once again what's the description?"

2:54 Deputy [redacted] said, "It's going to be a 415G type, tattoos on his arms/neck wearing a black t-shirt and grey jeans. About 5'9", 160."

3:07 SCC acknowledged.

3:10 Unable to decipher radio traffic.

3:13 Deputy [redacted] said, "Hey units be advised, he's running across the freeway now, he's running southbound across the 60."

3:19 SCC acknowledged, "Now running southbound across the 60."

3:22 Deputy [redacted] asked, "Hey airship is that you above?"

3:27 Aero said, "Point him out, where's he at?"

3:29 Deputy [redacted] responds, "Hey Sir, he's just east or north of the radio car between Azusa and Hacienda."

3:41 Deputy [redacted] continued, "Hey where all the radio cars are slowing down, he just ran southbound."

3:49 Aero responds, "We're looking." "How far east do we need to go?"

4:09 SCC said, "42F only, go."

4:12 Deputy [redacted] said, "Hey Aero you're too far, the last obs we had on him he was still going eastbound on the off-ramp on the northbound side."

DISP 8, Call 2, 4/25/2020 at 1536 hours

4:44 Aero asked, "Hey guys where are we in relation of you?"

4:50 Deputy [redacted] responds, "Hey Aero, this is 4F2, you're directly above me right now."

4:56 Aero asks, "You saw him running east?"

5:02 Deputy [redacted] responds, "Hey Aero you got me?" "I'm on the northbound shoulder, east side of the north side of the freeway, last seen going sound bound over."

5:14 Aero responds, "Ok, did he go over the wall?"

5:22 Unknown deputy said, "Hey units hold traffic. I just had a male on Stimson jump back into the wall just north of the 60 off Stimson and he went over the wall westbound to the fences. He's going to be a male Hispanic wearing a baseball cap, no shirt with multiple tattoos from his neck down."

5:44 Aero responds, "I don't have an obs on him but ok, I do have an obs on him. He's in this backyard with the palm trees. So, let's get a unit on Binney, at the where it goes around on Binney. It's just going to be on the west side of Stimson and at the end of that bend on Binney."

6:05 Deputy [redacted] said, "Aero last seen wearing, from 4F2 on the freeway, he had a black shirt, short sleeves, blue jeans, no hat.

6:14 Aero responds, "Ok, right now I have a male Hispanic no shirt, black shorts, and he's got a hat. So, let me get somebody at Binney and Charlemont (It was later determined this person was not related to this incident).

6:28 Aero continued, "He's coming up." "That guy in the driveway, that's the guy."

6:31 Unknown deputy said, "All westbound traffic blocked on the 60."

6:38 Deputy [redacted] said, "10-33, 10-33!"

6:44 SCC responded, "Units covering."

6:44 Deputy [redacted] said, "10-33, we're detaining a 459 suspect at gunpoint. We're going to be on the 60 Freeway just west of Hacienda."

6:55 SCC responded, "Copy, west of the 60 Freeway west of Hacienda." "The other unit detaining at gunpoint what's your 10-20?"

7:01 Deputy [redacted] said, "Hey SCC, deputies are involved in a fight."

7:03 SCC asked, "What's the 20 for the deputy involved fight?"

7:06 Deputy [redacted] responded, "We're going to be on the 60 Freeway, we're going to be in the eastbound lanes, on the far south side. We're going to be just west, I'm sorry, we're going to be just east of Hacienda."

7:17 Aero responded, "Take a break, airships got him." "They're going to be on the west, the eastbound side of the freeway, along the wall right at the Hacienda exit. So, we need someone to come on from Azusa and see if they can head westbound."

7:42 SCC asked, "Was there an additional unit detaining at gunpoint on Binney?"

7:46 Aero requested, "SCC stand-by one, we got ah…we're watching both. Looks like they've got about 6-7 deputies handling the guy on the freeway, and we've got about four deputies making contact on Binney. Deputies just threw-up a Code-4 on Binney."

8:04 SCC responded, "Copy, Code-4 Binney and Anderson."

8:05 Deputy [redacted] said, "We got him in handcuffs."

8:12 SCC clarified, "Unit re: handcuffs, is that going to be on the freeway or on Binney?"

8:15 Deputy [redacted] responded, "Hey SCC we're going to be on the freeway at the Hacienda exit.

8:22 Copy handcuffs (stepped on)

8:23 Aero responded, "Hey SCC stand-by one, let me talk to these guys. Hey guys on the freeway are you Code-4 detaining?

8:29 Deputy [redacted] "Yeah, affirm Aero, Code-4, we're going to be detaining one right now.

8:33 Aero asked, "Units on Binney are you Code-4 detaining?"

8:37 Unit 144A responded, "144A Code-4 detaining, Binney and Anderson."

8:41 Aero asked, "Any other outstanding suspects?"

8:47 Unknown deputy asks, "Hey 147D are there any other outstanding?"

8:52 Deputy Jordan responds, "Negative, just the one suspect." "Only one."

8:56 Deputy [redacted] said, "Okay, Code-4 on the freeway" (Unable to decipher radio traffic.) "902R, have them 911B with us right at the 60 and Hacienda, please."

9:07 SCC responds, "Is 902R clear to roll?"

9:09 Aero responds, "If you can get 902R to roll, have them enter the freeway from Azusa, westbound on the 60, and they'll make contact with the deputies." "If, hey guy are we clear to drop the patch?"

9:23 Unknown deputy responds, "Yes, Sir we are clear to drop the patch."

9:27 SCC asks, "Is 902R for suspect or deputy only?"

9:33 Deputy [redacted] responds, "It's going to be for the suspect."

9:35 SCC responds, "10-4, for suspect only. Industry units and station, 147 and Aero are advising Code-4, patch and channel clear at 1541."

9:45 Aero said, "SCC thanks for your help on that."

9:50 SCC said, "And just confirming are both sides and all deputies accounted for?"

9:56 Deputy [redacted] responds, "Yes, that's affirm, at this time all deputies are accounted for Sir?"

10:00 SCC acknowledged.

WEAPONS USED BY DEPUTY PERSONNEL

None.

WEAPONS USED BY THE SUSPECT

None.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The suspect was charged with four counts of 148(A)(1) P.C., Willfully Resist or Obstruct a Police Officer; and 11377 H.S., Possession of a Controlled Substance – Methamphetamine. The case was heard on April 28, 2020, and the suspect was sentenced to eight days in county jail and Summary Probation for one count of Willfully Resisting a Police Officer. The charge of Possession of a Controlled Substance was dismissed.

LIGHTING AND WEATHER CONDITIONS

The incident occurred in the afternoon hours and the area was lit by daylight. The weather on April 25, 2020, was clear.

STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

The photographs referenced during the IAB involved employees' and witness interviews were taken from Google Maps. The interview photographs are combined into one separate exhibit **[EXHIBIT F]**. The photographs presented during these interviews aided in identifying approximate locations of personnel and their observations.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Jason Haringsma

On January 28, 2021, Deputy Jason Haringsma was interviewed by IAB Sergeants Stacie Reedy and Adrian Guillen at the IAB office in the city of Commerce. Deputy Haringsma was represented by Amy Johnson of Rains, Lucia and Stern Law Office. The following is a summary of his statements.

On April 25, 2020, Deputy Haringsma was assigned to Industry Station, working Unit 144F2 from [redacted] hours on PM shift. During the interview with IAB Investigators, Deputy Haringsma reviewed the equipment he wore on his person at the time of the use of force, including his duty weapon. Deputy Haringsma detailed the events that led up to the use of force on April 25, 2020.

Deputy Haringsma and his partner (Deputy [redacted] worked a crime prevention patrol unit and were north of Deputy Jordan's location (1225 S. Hacienda Boulevard, Hacienda Heights) and seconds away when they heard the emergent radio traffic. Deputy Jordan's radio broadcast described a possible burglary suspect who ran from his location and continued running eastbound, up the westbound Hacienda Boulevard off-ramp to the 60 Freeway. According to Deputy Haringsma, Deputy Jordan described the suspect as a male Hispanic wearing a baggy black shirt, gray pants, holding his waistband, and possibly "417."

IAB NOTE: The term "417" is a Los Angeles County Sheriff's Department radio code utilized to identify a person with a gun.

As Deputy Haringsma approached Deputy Jordan's location, Deputy Jordan pointed in the direction of the suspect.

IAB NOTE: Deputy Jordan remained at 1225 S. Hacienda Boulevard to conduct interviews and determine if a crime occurred.

Deputies Haringsma and [redacted] entered the westbound Hacienda Boulevard on-ramp of the 60 Freeway and parked their patrol vehicle in the center of the U-shaped on-ramp

as they looked for the suspect. During this time, they were able to see the suspect as he ran east along the north shoulder of the freeway. However, due to a natural bend in the freeway sound wall, Deputies Haringsma and [redacted] lost sight of the suspect. Both deputies exited their patrol vehicle with their light bar activated, crossed the slightly elevated off-ramp, and stood at the top of the freeway as they attempted to regain sight of the suspect. Deputy Haringsma said the suspect was no longer visible and no longer in front of them along the shoulder. Deputy [redacted] updated responding units, via his handheld radio, of the suspect's last known location, his updated clothing description (black shirt, blue pants), and that the suspect reached toward his waistband using his right hand as he ran.

IAB NOTE: Using a Google aerial photograph of the scene during the interview, Deputy Haringsma marked the location of where he parked his patrol vehicle and referenced the direction of travel the suspect ran [Exhibit F, Haringsma, Photos A-B].

Deputies Haringsma and [redacted] checked the freeway service doors as they continued to canvass the eastbound 60 Freeway for the suspect. With the Aero unit now overhead and unable to determine the suspect's location, Deputies Haringsma and [redacted] began to walk back in the direction of their patrol vehicle. It was during this time Deputy Haringsma, who was walking in front of Deputy [redacted] came across a storm drain grate that had a piece missing and was not fully intact. As Deputy Haringsma looked inside the storm drain, he said the suspect "was crouched down with the grate laid up on top of him, and his hands were kinda-up holding the grate against himself...to better conceal himself" **(Refer to Deputy Haringsma's Transcripts, page 11)**. Deputies Haringsma and [redacted] immediately detained the suspect at gunpoint as Deputy [redacted] updated responding units over the radio. Deputy Haringsma gave the suspect orders to show his hands and keep them insight of Deputy Haringsma. The suspect complied.

Deputy Haringsma said two patrol units (Deputy Banuelos, Unit 143K7, and Deputy Chavez, Unit 143T1) approached the scene from the west. Deputy Haringsma said, with additional deputy personnel now on-scene, deputy personnel stood south of the suspect's location in a traffic-lane, and ordered the suspect to come up and out of the storm drain. Deputy Haringsma said there was no vehicle traffic within the lanes of the west 60 Freeway, but he could not recall when someone initiated a traffic break.

IAB NOTE: According to the radio traffic, Unit 141A3, Deputy Joseph Valencia, #[redacted] conducted the west 60 Freeway traffic break at Azusa Avenue.

The suspect used the three-ring ladder, climbed out of the storm drain, and stood with his back toward the sound wall. The suspect immediately took a step back with his right foot, lowering his right hand toward his waistband. As the suspect's body bladed away

from deputy personnel, his right-hand movements were not visible. Deputy Haringsma closed the gap between himself and the suspect by conducting a team takedown with Deputy Banuelos.

Deputy Haringsma stated his mindset, at this time, was that the suspect was somebody who was possibly armed with a firearm and was either still reaching for something or was trying to keep something from falling out of his waistband **(Refer to Deputy Haringsma's Transcripts, page 20)**.

Deputy Haringsma grabbed the suspect by his left wrist as he turned him to clear the storm grate. The suspect was taken to the ground, landing heavily on his right side with his right hand underneath his body. Deputy Haringsma was on his knees against the asphalt shoulder on the left side of the suspect's body. Deputy Haringsma did not see how Deputy Banuelos grabbed the suspect's right arm.

The suspect began to thrash his body back and forth, as he went to the ground. It was during this time Deputy [redacted] took a position over the suspect's legs as the suspect kicked his feet at deputy personnel. Deputy Chavez positioned himself near the suspect's upper torso area. As the suspect continued to thrash his body, he moved his head in different directions. Deputy Haringsma said it appeared as if the suspect was trying to see where deputy personnel were located so he could try and get up.

Deputy Haringsma continued to give the suspect commands to stop fighting and to put his hands behind his back, but the suspect did not comply. Deputy Haringsma said deputy personnel tried to pry the suspect's right arm out from underneath his body, but were unsuccessful. It was at this time, Deputy Haringsma saw, out of his peripheral vision, Deputy Chavez punch the suspect twice in the right shoulder area. Deputy Haringsma also saw Deputy Banuelos, who positioned himself on the right side of the suspect, deliver a knee-strike to the upper torso, on the right side of the suspect's body.

Deputy Haringsma said the force had its desired effect, as the suspect's right hand came out from underneath his body and then he placed it behind his back. As Deputy Haringsma continued to maintain control of the suspect's left wrist, Deputy Banuelos handcuffed the suspect without further incident. Deputy Haringsma kept a hold of the suspect until responding deputy personnel relieved him. Deputy personnel requested the fire department to respond to their location for any possible injuries to the suspect. The suspect was searched and secured in the back seat of a patrol vehicle, pending the fire department's arrival. Deputy Haringsma reported his use of force and force witnessed to Sergeant Foster, who arrived after the suspect was secured. Deputy Jordan conducted a debriefing of the incident with Sergeant Foster, as well as responding units.

IAB Note: **During a phone conversation, Sergeant Foster told IAB investigators it took him approximately three minutes to respond to the incident from Industry Station. He initially responded to the 60 Freeway on/off ramps by El**

Pollo Loco. Sergeant Foster did not witness the use of force incident.

Deputy Haringsma said, in addition to his personal weapons, he had a baton and Oleoresin Capsicum (OC) spray as less-lethal options readily available to him; however, he believed closing the distance on the suspect and preventing the suspect from arming himself were better options for this situation. Deputy Haringsma also had a Taser available to him in his patrol vehicle, but felt it wasn't an adequate tool for a suspect potentially armed with a firearm.

Deputy [redacted]

On January 28, 2021, Deputy [redacted] was interviewed by IAB Sergeants Stacie Reedy and Adrian Guillen at the IAB office in the city of Commerce. Deputy [redacted] was represented by Amy Johnson of Rains, Lucia and Stern Law Office. The following is a summary of his statements.

On April 25, 2020, Deputy [redacted] was assigned to Industry Station, working Unit 144F2 from [redacted] hours on PM shift. During the interview with IAB Investigators, Deputy [redacted] reviewed the equipment he wore on his person at the time of the use of force, including his duty weapon. Deputy [redacted] detailed the events that led up to the use of force on April 25, 2020.

Deputy [redacted] said he and his partner (Deputy Haringsma) worked a crime prevention patrol unit and were approximately two minutes away from Deputy Jordan's location (1225 S. Hacienda Boulevard, Hacienda Heights) when they heard emergent radio traffic. Deputy Jordan described the suspect as a male Hispanic wearing a black shirt. Deputy [redacted] also heard Deputy Jordan say the suspect was a burglary suspect who ran from his location while holding his waistband as he ran, and was possibly armed.

As Deputy Haringsma drove their patrol vehicle toward Deputy Jordan's location, Deputy [redacted] saw civilian drivers pulled over pointing in the direction of where the suspect was running. Deputy Haringsma drove their patrol vehicle up the westbound Hacienda Boulevard on-ramp of the 60 Freeway and parked in the center of the U-shaped on-ramp as they looked for the suspect.

IAB NOTE: Using a Google aerial photograph of the scene during the interview, Deputy [redacted] marked the location of where Deputy Haringsma parked their patrol vehicle and referenced the direction of travel the suspect ran [Exhibit F, [redacted] Photo A].

Deputy [redacted] was able to see the suspect as he was running east. "The suspect was holding his waistband as if he was armed or maybe trying to prevent himself from dropping some type of weapon" **(Refer to Deputy [redacted] Transcripts, page 6)**. Deputy [redacted] updated responding units, via the patch, as to the direction the suspect was running. Both deputies exited their patrol vehicle with their light bar activated,

crossed the dirt field, and debated if they should follow the suspect on foot because of vehicles passing at a high rate of speed.

Deputy [redacted] said they lost sight of the suspect due to a natural bend in the freeway sound wall. Deputies Haringsma and [redacted] continued to the top of the freeway to reacquire a visual of the suspect, but were unable to locate him. Both deputies continued to walk east along the shoulder of the freeway as they checked the access doors within the sound wall for possible routes of escape. As both deputies continued to search for the suspect, Deputy [redacted] was ahead and further east of Deputy Haringsma.

With the Aero unit now overhead and unable to determine the suspect's location, Deputies Haringsma and [redacted] decided to walk back toward their patrol vehicle. Deputy [redacted] continued to canvass the eastbound lanes of traffic, thinking the suspect may have run to the other side. It was during this time Deputy [redacted] heard Deputy Haringsma giving commands he was detaining the suspect at gunpoint. Deputy [redacted] heard Deputy Haringsma giving the suspect commands to show his hands and pointed his gun toward a storm drain grate along the freeway's shoulder.

Deputy [redacted] immediately drew his firearm, went toward Deputy Haringsma, and pointed his gun in the direction of the grate. Deputy [redacted] stood offset and further back from Deputy Haringsma to prevent any possible crossfire concerns. He then broadcast, via his handheld radio, that he and his partner were detaining the suspect at gunpoint and their current location.

As Deputy [redacted] was detaining at gunpoint, two additional patrol units (Deputy Banuelos, Unit 143K7, and Deputy Chavez, Unit 143T1) arrived on-scene. When additional deputy personnel were on-scene, Deputy [redacted] gave the suspect commands to exit the storm drain, show his hands, and to comply with orders given.

Deputy [redacted] stated his mindset, at this time, was the suspect was somebody who was possibly armed with a firearm. Deputy [redacted] believed when he saw the suspect run, before entering the storm drain, that the suspect didn't swing each of his arms freely, like a typical person when they're running. Instead, the suspect had his hand on his waistband **(Refer to Deputy [redacted] Transcripts, page 14)**.

The suspect exited the storm drain, slightly turned, and bladed his body as if taking a fighting or boxer's stance. Deputy [redacted] said the suspect brought his hands up, shook them out as if getting ready to fight, and reached his right hand back toward his waistband. Deputy [redacted] noticed an unknown black object in the suspect's right hand. This action led Deputy [redacted] to believe the suspect was arming himself and that the object may have been a knife.

IAB NOTE: During the Watch Commander interview, the suspect admitted to having a black cloth face mask in his hand

as he exited the storm drain (Refer to Suspect Zavalza's Watch Commander interview, page 4).

Deputy [redacted] immediately told Deputies Haringsma and Banuelos to go "hands-on and take him down" **(Refer to Deputy [redacted] Transcripts, page 16)**. Deputy [redacted] said by conducting a team takedown instead of any other less-lethal force option appeared to be the safest and fastest option in order to prevent injury to the suspect. Deputy [redacted] was unable to recall which arm each of the deputies used to conduct the takedown. However, as they attempted to take the suspect to the ground stomach first, the suspect began to wiggle to break free from their grasps. Deputy [redacted] said the struggle caused the suspect to fall onto his right shoulder and arm, touching his head against the asphalt and landing with his right hand under his body.

As the suspect was on the ground, he continued to thrash his feet to push himself up, as if trying to climb, and give himself forward momentum. Deputy [redacted] believed the suspect was attempting to get up to fight deputy personnel. As Deputy [redacted] straddled the suspect's legs, he used a firm grip at the suspect's ankles with one hand. Deputy [redacted] used his other hand to broadcast, via the patch, that deputies were involved in a fight.

As Deputy [redacted] straddled the suspect, his knees remained on the asphalt throughout his interaction with the suspect. Deputy [redacted] looked for landmarks to update responding deputy personnel, as he took control of the suspect's feet. Deputy [redacted] continued to feel the suspect pushing his body up as he tried to break free from their grasp. Deputy [redacted] saw Deputy Chavez punch the suspect one time to the suspect's right shoulder area. Deputy Chavez's punch, however, did not have its desired effect of obtaining the suspect's right hand.

The suspect continued to struggle and refused to comply with orders to place his hands behind his back. The suspect was eventually handcuffed, but Deputy [redacted] was unable to recall how or who handcuffed the suspect and said, "It wasn't where he stopped, complied, and put his hands behind his back. It appeared that they struggled the whole time to get his hands behind his back" **(Refer to Deputy [redacted] Transcripts, page 22)**.

Deputy personnel requested the fire department to respond to their location for any possible injuries to the suspect. The suspect was secured in the back seat of a patrol vehicle, pending the fire department's arrival. Deputy [redacted] reported his use of force and force witnessed to Sergeant Foster, who arrived after the suspect was secured.

IAB NOTE: Deputy [redacted] did not witness any additional force by deputy personnel during this incident.

A debrief was conducted of the incident with Sergeant Foster, as well as responding units.

Deputy [redacted] said, in addition to his personal weapons, he had a Taser available to him in his patrol vehicle, but felt it wouldn't have been the best option for a suspect potentially armed with a firearm.

Deputy Roberto Banuelos

On February 4, 2021, Deputy Roberto Banuelos was interviewed by IAB Sergeants Stacie Reedy and Terrance Smith at the IAB office in the city of Commerce. Deputy Banuelos was represented by Amy Johnson of Rains, Lucia and Stern Law Office. The following is a summary of his statements.

On April 25, 2020, Deputy Banuelos was assigned to Industry Station working Unit 143K7 from [redacted] hours on PM shift. During the interview with IAB investigators, Deputy Banuelos reviewed the equipment he wore on his person at the time of the use of force, including his duty weapon. Deputy Banuelos detailed the events that led up to the use of force on April 25, 2020.

Deputy Banuelos heard emergent radio traffic broadcasted from Deputy Jordan, as he was near Gale Avenue and S. Hacienda Boulevard. Deputy Jordan broadcasted, via his hand-held radio, a possible burglary suspect ran from his location (1225 S. Hacienda Boulevard) and ran onto the eastbound 60 Freeway on-ramp, possibly holding a firearm in his waistband. The suspect was described as a male Hispanic wearing a black shirt, grey jeans, bald head, and had tattoos. Deputy Banuelos entered the westbound 60 Freeway from Azusa Avenue (one on-ramp east of Hacienda Boulevard) and drove west until he saw Deputies [redacted] and Haringsma. Deputies [redacted] and Haringsma were on the westbound 60 Freeway, along the north shoulder emergency lane, detaining the suspect at gunpoint.

IAB NOTE: Using Google aerial photographs of the scene during the interview, Deputy Banuelos marked his route of travel, beginning from when he heard Deputy Jordan's emergent radio traffic until he arrived at Deputies [redacted] and Haringsma location, on the 60 Freeway west [Exhibit F, Banuelos, Photo A-B].

When Deputy Banuelos exited his patrol vehicle, he saw Deputies [redacted] and Haringsma pointing their weapons downward toward a storm drain grate and assumed, at that time, the suspect was inside. Deputy Banuelos approached the left side of Deputy Haringsma, and as he stood behind the emergency lane line. Deputy Banuelos saw the suspect and drew his weapon. Deputy Banuelos saw the suspect's head and black shirt, but could not tell if the suspect was standing or sitting in the storm drain.

Deputies Banuelos, [redacted] and Haringsma gave the suspect orders to show his hands and to exit the storm drain. When the suspect exited the storm drain, he immediately placed his back against the freeway sound wall. Deputy Banuelos described the suspect as sweating profusely and taking a fighter's stance. The suspect

had his chest puffed out, raised his hands, and then lowered them toward his waistband with his fists clenched. These actions, paired with the suspect continuing to look to his left and right, gave Deputy Banuelos the impression the suspect would run or fight **(Refer to Deputy Banuelos' Transcripts, page 19)**.

Deputy Banuelos saw Deputy Chavez to his right, and they quickly produced a tactical plan to approach the suspect. Deputy Banuelos was unable to recall when Deputy Chavez arrived on-scene because his focus was on detaining the suspect. Deputy Banuelos designated himself as the contact or arrest team deputy, Deputy Haringsma was lethal, and Deputy [redacted] was assigned the radio. Deputy Banuelos was unable to recall what task Deputy Chavez was assigned.

Deputy Banuelos stated his mindset, at this time, was one of the suspect or his partners possibly being involved in a major accident, or even killed due to the incident occurring on the freeway. "Everything is pretty much wrapped around or centered upon him having a firearm and not being able to see it...we performed a tactical plan. I think it was the best one for that situation" **(Refer to Deputy Banuelos' Transcripts, page 34)**.

Deputy Banuelos saw an unknown object in the suspect's hand and immediately ordered the suspect to drop it, to which he refused. Deputy Banuelos also voiced the concern to deputy personnel. As the suspect refused to drop the object, Deputy Banuelos focused on what was in the suspect's hand and determined it was not a firearm. Deputy Banuelos again ordered the suspect to drop the object, but the suspect continued to refuse his orders.

When Deputy Banuelos approached the suspect, the suspect threw his hands up toward his shoulders with his fists clenched. Deputy Banuelos grabbed the suspect's right wrist and Deputy Haringsma grabbed the suspect's left wrist. As they attempted to control the suspect and take him to the ground, the suspect began to struggle. As the suspect struggled, he tucked his right shoulder toward his body as he placed his body weight against Deputy Banuelos, causing Deputy Banuelos to lose his balance and stumble backward. As Deputy Banuelos maintained control of the suspect's right arm, the suspect hit the ground, landing on the right side of his body with his head facing east and his feet facing west.

While on the ground, the suspect continued to struggle, flail his legs, attempting to tuck his knees toward his abdomen to help him stand up. Deputy Banuelos tried to control the suspect's legs, but was unsuccessful because he tried to maintain control of the suspect's right arm. Deputy [redacted] quickly advanced toward the suspect's legs and took control of them. Deputy Banuelos said although he may have switched from his left to right knees as he was attempting to control the suspect's legs, his knees remained on the cement at this time during his interaction with the suspect.

Deputy Banuelos refocused his efforts on controlling the suspect's right arm. Although Deputy Banuelos had control of the suspect's right arm, the suspect was lying on his

own right hand, which was underneath his stomach. Deputy Banuelos continued to hold the suspect's right arm against the suspect's right side as he unsnapped his handcuff case and attempted to handcuff the suspect. However, the suspect immediately tensed his right arm and began to pull his right arm closer toward his body.

Fearing the suspect was reaching for a weapon, Deputy Banuelos immediately struck the suspect with his right knee twice to the right side of the suspect's torso. Deputy Banuelos said his knee strikes were effective because he obtained the suspect's right wrist and handcuffed the suspect without further incident.

Once the suspect was handcuffed, Deputy Banuelos noticed a crinkled plastic baggy coming out of the suspect's right front pants pocket. The baggy contained a crystal-like substance that appeared to be methamphetamine. Deputy Banuelos said the suspect was placed into a recovery position and search for a firearm. A firearm was not recovered.

Deputy personnel requested the fire department to respond to their location for any possible injuries to the suspect. The suspect was secured in the back seat of a patrol vehicle, pending the fire department's arrival. Deputy Banuelos reported his use of force and forced witnesses to Sergeant Foster, who arrived after the suspect was secured.

Deputy Jordan was notified of Deputy Banuelos' findings and given the suspected methamphetamines. A debrief was conducted of the incident with Sergeant Foster, as well as responding units.

Deputy Banuelos said, in addition to his personal weapons, he had a Taser available to him in his patrol vehicle, but felt it wouldn't have been the best option for a suspect potentially armed with a firearm.

Deputy Banuelos said, in addition to his personal weapons, he thought about using his baton but didn't find it feasible and was concerned about the possibility of breaking bones if he did. Deputy Banuelos wanted to use any force necessary to effect an arrest and because his hands were securing the suspect's arm, he used knee strikes to subdue the suspect.

Deputy Banuelos sustained a minor abrasion to the top of his right knee cap during the use of force incident.

Deputy Isaac Chavez

On February 4, 2021, Deputy Isaac Chavez was interviewed by the assigned IAB investigator at the Law Office of Rains, Lucia and Stern located at 3401 Center Lake Drive, Suite 440, in the city of Ontario. Deputy Chavez was represented by Amy

Johnson of Rains, Lucia and Stern Law Office. The following is a summary of his statements.

On April 25, 2020, Deputy Chavez was assigned to Industry Station working Unit 143T1 from [redacted] hours on PM shift. During the interview, Deputy Chavez reviewed the equipment he wore on his person at the time of the use of force, including his duty weapon. Deputy Chavez detailed the events that led up to the use of force on April 25, 2020.

Deputy Chavez was preparing for his shift at the station when he heard the emergent radio traffic broadcasted by Deputy Jordan. Deputy Chavez said he heard a burglary suspect simulating a handgun and possibly armed fled from the El Pollo Loco located at 1225 S. Hacienda Boulevard. The suspect was last seen running toward the Hacienda on-ramp on the 60 Freeway. Deputy Chavez drove his patrol vehicle from the station and headed east as he proceeded onto the 60 Freeway Azusa Avenue on-ramp and headed west.

IAB NOTE: Using Google aerial photographs of the scene during the interview, Deputy Chavez marked his route of travel, beginning from when he heard Deputy Jordan's emergent radio traffic until he arrived at Deputies [redacted] and Haringsma location, on the 60 Freeway west [Exhibit F, Chavez, Photo A-B].

Deputy Chavez entered the on-ramp while the freeway traffic was stopped, but Deputy Chavez was unable to recall who conducted a traffic break. Deputy Chavez continued westbound until approaching the Hacienda Boulevard off-ramp, at which time he saw Deputies Haringsma and [redacted] detaining what he assumed was the suspect. Deputies Haringsma and [redacted] were separated by a distance of ten feet, off-set from one another, and they had their guns drawn and pointed downward into a storm drain.

IAB NOTE: Using Google Street view photographs of the scene during the interview, Deputy Chavez marked the approximate positioning of Deputies Haringsma and [redacted] when Deputy Chavez arrived on-scene [Exhibit F, Chavez, Photo C].

As Deputy Chavez parked his patrol vehicle, he saw the suspect's head pop out from within the storm drain. Deputy Chavez exited his patrol vehicle and heard the deputies on-scene giving the suspect orders to show his hands, drop what's in his hand, and exit the storm drain. As Deputy Chavez approached his partners, he saw the suspect exiting the storm drain.

IAB NOTE: Using Google Street view photographs of the scene during the interview, Deputy Chavez marked the

approximate positioning of the suspect as he exited the storm drain [Exhibit F, Chavez, Photo D].

It was at this time Deputy Chavez saw the suspect holding an object in his hand, but could not tell what it was. However, Deputy Chavez determined the object was not a firearm. The suspect took an abrupt step back, placing his back against the north freeway sound wall. Once out of the storm drain, the suspect looked both ways as he postured his body into a fighting stance. Deputy Chavez said the suspect bladed his body, his chin was down, clenched his hands into fists, and raised them toward his face.

Deputy Chavez stated his mindset, at this time, was that he was going to stop at nothing to getaway. That he was going to fight. He was going to do whatever he could to get out from our containment and continue to flee **(Refer to Chavez's Transcripts, page 20)**.

Deputy Chavez heard Deputies [redacted] and Banuelos give the suspect commands to the suspect to show his hands and get on his knees. However, the suspect refused to comply with the deputies' orders. Due to the suspect's disregard for the deputies' commands, deputy personnel quickly formulated a tactical plan delegating lethal, contact, and radio traffic between the deputies on-scene. Deputy Chavez was designated as lethal, Deputies Haringsma and Banuelos were contact or arrest personnel, and Deputy [redacted] was responsible for radio traffic.

As the suspect's body was slightly bladed away from deputy personnel, Deputy Chavez said the suspect continued to reach down as if trying to get something despite orders to show his hands. Deputy Chavez saw the suspect lunge forward in the direction of Deputy Banuelos, with the suspect's arms fully extended. As Deputy Chavez saw the suspect lunge toward his partner, Deputy Chavez saw Deputies Haringsma and Banuelos initiate a team takedown of the suspect. Deputy Chavez holstered his weapon and looked back up at the suspect as the suspect's right shoulder made direct contact with the pavement. Deputy Chavez said due to the suspect's aggressive forward momentum during this time, the suspect's face scraped against the ground.

Deputy Chavez immediately ran to assist his partners and stood to the right side of the suspect's upper torso. Deputy Chavez said once the suspect was on the ground, the suspect's head was facing east, with his feet facing west. The suspect was constantly moving throughout the entirety of the altercation. The suspect would thrust his head in a downward and upward manner, as if trying to free himself from the deputies' control. The suspect used his left arm and hand as leverage to bring the right side of his body upward to obtain access to his waistband. Seeing this, Deputy Chavez punched the suspect approximately 2 to 4 times to the right side of the suspect's face and upper torso.

Deputy Chavez said his punches were effective as deputy personnel were able to take control of the suspect's hands and place them behind his back. The suspect, however, continued to kick his feet up toward deputy personnel. The suspect also began to thrust

his torso up off the ground. To control the suspect's upper torso, Deputy Chavez, while on one knee away from the suspect's body and on the pavement, placed his right palm down on the suspect's upper left clavicle area and applied direct pressure. The suspect laid on the right side of his face on the pavement, which consisted of loose gravel and asphalt, as he continued to move his body.

Deputy Chavez was able to restrict the suspect's movements and his ability to reach for his waistband by applying direct pressure. Deputy personnel were able to handcuff the suspect without further incident.

Deputy personnel requested the fire department respond to their location for any possible injuries to the suspect. The suspect was secured in the back seat of a patrol vehicle, pending the fire department's arrival. Deputy Chavez reported his use of force and force witnessed to Sergeant Foster, who arrived after the suspect was handcuffed and secured. A debrief was conducted of the incident with Sergeant Foster, as well as responding units.

Deputy Chavez said, in addition to his personal weapons, he also had his OC spray and expandable baton readily available to him as less-lethal options if needed. Deputy Chavez, however, felt his personal weapons were his only option in subduing the suspect and without affecting his partners.

Deputy Chavez sustained minor abrasions to his right hand during the use of force incident.

Suspect Frank Zavalza

Industry Station Lieutenant Interview

On April 25, 2020, at approximately 2000 hours, Lieutenant Julie Geary, #[redacted] video recorded her interview with the suspect at Industry Station. The video recorded interview was copied onto a DVD-R and the audio was transcribed **[EXHIBIT G]**. The following is a summary of the suspect's statements.

The suspect said he was walking to Jack-in-the-Box to get something to eat. As the deputy pulled into the driveway, he immediately got scared because he had recently been released from jail, and didn't want to go back. The suspect thought he had a warrant, so he took off running.

The suspect ran across the street, and because the freeway happened to be right there, he panicked and started walking along the off-ramp (Hacienda Boulevard). As the suspect reached the top of the freeway, he didn't know what to do and decided to run east alongside the wall. The suspect again stated, "I didn't know what to do, that's all. I thought that I had a warrant. I ain't trying to go back to jail" **(Refer to Suspect Zavalza's Transcripts, page 3)**.

The suspect saw an open storm drain, climbed down the ladder, and sat at the bottom. The suspect said he saw a deputy run by the storm drain, but the deputy didn't see him.

It wasn't until the deputy made his way back that the deputy spotted the suspect inside the storm drain.

The suspect said the deputies told him to get up, and he complied and climbed out of the storm drain. The suspect said when he was out of the storm drain, he was holding a face mask in his hand, and the deputies ordered him to drop it. The suspect already knew to go down to the ground, so he laid down on his stomach, with his arms spread out.

The suspect said he was handcuffed and the deputies started to beat him up as they put hands on him. The suspect said the deputies punched him more than a few times as they used their hand and shoved his face into the pavement. The suspect recalled getting punched in the face and back. He couldn't do anything, including move, because there were multiple deputies on him. The only thing he could do was scream for help. The deputies placed their knee on the left side of his face causing the right side of his face to be against the pavement. The suspect said he was kneed by deputy personnel to the sides of his body. The suspect stated because his hands were handcuffed behind his back, he wasn't able to do anything.

The suspect concluded his interview by saying it wasn't the deputies' fault. He got scared and panicked, and could have gotten a lot of people hurt on the freeway. He made a "stupid" choice. The suspect said he was not under the influence of alcohol, prescription medication, or drugs at any time throughout the incident.

IAB Interview

On April 26, 2020, at approximately 0200 hours, IAB investigators attempted to audio record an interview with suspect at Industry Station; however, the suspect declined to interview because he had already provided a statement to Lieutenant Geary.

IAB Interview – Second attempt

On January 29, 2021, a certified letter was mailed to the suspect's residence requesting an interview. The suspect received the letter on February 1, 2021, and did not respond. A copy of the letter and a copy of the certified mail receipts can be found in **[Miscellaneous Documents]**.